

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN  
MILWAUKEE DIVISION**

SECURITIES AND EXCHANGE	)	
COMMISSION,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:11-cv-755
	)	
STIFEL, NICOLAUS & CO., INC., et al.,	)	
	)	
Defendants.	)	

**BRIEF IN SUPPORT OF DEFENDANT STIFEL, NICOLAUS & CO.'S  
SIXTEENTH MOTION IN LIMINE TO EXCLUDE PREJUDICIAL  
CHARACTERIZATION OF THE SEC OR ITS MISSION**

Stifel requests that the court preclude the SEC from arguing or adducing testimony stating that the agency has a mission of protecting the public from securities fraud or that it is charged with going after wrongdoers (or the like). Such characterizations would pose the potential to prejudice and confuse the jury into believing that Defendants are wrongdoers simply because they have been accused by the SEC. *Cf., U.S. v. Ford*, 618 F.Supp.2d 368, 392 (E.D. Pa. 2009) (prosecutor's characterization of officer as "honorable" and as having a "good name" improperly magnified the government's credibility in the eyes of the jury); *U.S. v. Dispoz-O-Plastics, Inc.*, 172 F.3d 275, (3d Cir. 1999) ("A prosecutor may not try to buttress his case by vouching for the credibility of a government witness.").

Dated this 1st day of August, 2016

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was filed using the Court's CM/ECF Filing System on all counsel of record.

/s/ Richard H. Kuhlman  
Richard H. Kuhlman